

United States District Court  
 Southern District of New York  
 500 Pearl Street  
 New York, NY 10007

USDC SDNY  
 DOCUMENT  
 ELECTRONICALLY FILED  
 DOC #: \_\_\_\_\_  
 DATE FILED: 7/3/08

Bond 10BSBFC5763

EAST Trust - Sub 12**Plaintiff**

VS.

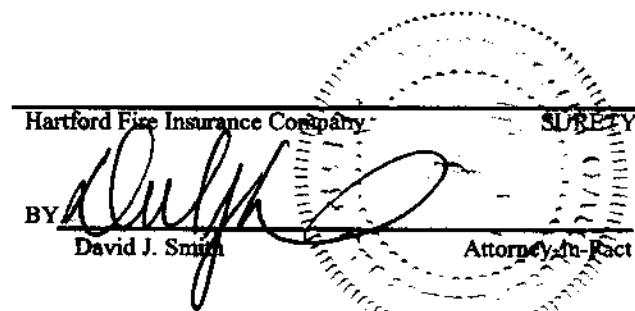
08 Civ 5698 (RJH)

Avolar Aerolineas, S.A. de C.V.**PRELIMINARY INJUNCTION****Defendant**

WHEREAS, by Order of the above entitled Court, Plaintiff EAST Trust - Sub 12, was required to file an undertaking in the sum of Twenty Five Thousand (\$25,000) DOLLARS as a condition for a preliminary injunction to be in effect restraining and enjoining the above named Defendant Avolar Aerolineas, S.A. de C.V. from the commission of certain acts as more fully set forth in said order.

NOW, THEREFORE, Hartford Fire Insurance Company, a corporation organized and existing under the laws of the State of Connecticut and authorized to transact the business of Surety, as Surety, in consideration of premises and issuance of said preliminary injunction does hereby undertake to pay all costs and disbursements that may be decreed to the Defendant, Avolar Aerolineas, S.A. de C.V. and such damages not exceeding the amount of Twenty Five Thousand (\$25,000) DOLLARS as the Defendant Avolar Aerolineas, S.A. de C.V. may sustain by reason of said preliminary injunction if the same be wrongfully obtained and without sufficient cause.

IN WITNESS WHEREOF, we have set our hand and seal the 3rd day of July, 2008.



Approved  
 7/3/08  
 S. Michael Morrison  
 \_\_\_\_\_  
 Chk  
 B.M. \_\_\_\_\_  
 \_\_\_\_\_  
 Treble-U

Direct Inquiries/Claims to:

## THE HARTFORD

BOND, T-4

P.O. BOX 2103, 690 ASYLUM AVENUE  
HARTFORD, CONNECTICUT 06115  
call: 888-266-3488 or fax: 860-757-5835)

Agency Code: 10 257086

## KNOW ALL PERSONS BY THESE PRESENTS THAT:

**Hartford Fire Insurance Company**, a corporation duly organized under the laws of the State of Connecticut

**Hartford Casualty Insurance Company**, a corporation duly organized under the laws of the State of Indiana

**Hartford Accident and Indemnity Company**, a corporation duly organized under the laws of the State of Connecticut

**Hartford Underwriters Insurance Company**, a corporation duly organized under the laws of the State of Connecticut

**Twin City Fire Insurance Company**, a corporation duly organized under the laws of the State of Indiana

**Hartford Insurance Company of Illinois**, a corporation duly organized under the laws of the State of Illinois

**Hartford Insurance Company of the Midwest**, a corporation duly organized under the laws of the State of Indiana

**Hartford Insurance Company of the Southeast**, a corporation duly organized under the laws of the State of Florida

having their home office in Hartford, Connecticut (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, **up to the amount of UNLIMITED**:

ANN FERRARI, MORRISTOWN NJ; DEBRA POMPONI MACKEY OF STONEHAM MA; DAVID J. SMITH, LOURDES SCHEEL OF NEW YORK, NEW YORK

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by , and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on January 22, 2004, the Companies have caused these presents to be signed by its Assistant Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



*Paul A. Bergenholz*

Paul A. Bergenholz, Assistant Secretary

*M. Ross Fisher*

M. Ross Fisher, Assistant Vice President

STATE OF CONNECTICUT } ss. Hartford  
COUNTY OF HARTFORD }

On this 3<sup>rd</sup> day of March, 2008, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Assistant Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

*Scott E. Pasca*

Notary Public

My Commission Expires October 31, 2012

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of July 3, 2008  
Signed and sealed at the City of Hartford.



*Gary W. Stumper*

Gary W. Stumper, Assistant Vice President

**ACKNOWLEDGMENT OF PRINCIPAL - IF A CORPORATION**

STATE OF NEW YORK } ss  
COUNTY OF

On this ..... day of ..... before me personally appeared ..... to be known, who, being by me duly sworn, did depose and say; that he/she resides at....., that he/she is the ..... President of ..... the corporation described in and which executed the within insurance instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order.

**ACKNOWLEDGMENT OF PRINCIPAL - IF INDIVIDUAL OR FIRM**

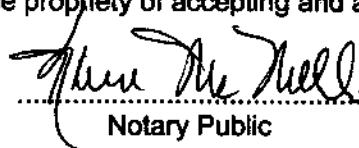
STATE OF NEW YORK } ss  
COUNTY OF

On this ..... day of ..... before me personally appeared ..... to me known to be (the individual) (one of the firm of.....), described in and who executed the within instrument and he/she thereupon acknowledged to me that he/she executed the same (as the act and deed of said firm).

**ACKNOWLEDGMENT OF SURETY COMPANY**

STATE OF New York } ss  
COUNTY OF New York

On this July 3, 2008, before me personally came Morristown, NJ; Debra Rosemary Mackay, of, Stoneham, MA; to me known, who, being by me duly sworn, did depose and say; that he/she resides in Morristown, NJ; that he/she is the Attorney-in-Fact of the Hartford Fire Insurance Company, the corporation described in which executed the above instrument; that he/she knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that is was so affixed by the Board of Directors of said corporation; and that he/she signed his/her name thereto by like order; and the affiant did further depose and say that the Superintendent of Insurance of the State of New York, has, pursuant to Section 1111 of the Insurance Law of the State of New York, issued to Hartford Fire Insurance Company, his/her certificate of qualification evidencing the qualification of said Company and its sufficiency under any law of the State of New York as surety and guarantor, and the propriety of accepting and approving it as such; and that such certificate has not been revoked.

  
Notary Public

KAREN McMULLIN  
Notary Public, State of New York  
No. 014C2004875  
Qualified in Queens County  
Commission Filed in New York County  
Commission Expires March 30, 2011

# Hartford Fire Insurance Company

Hartford Plaza

Hartford, Connecticut, 06115

*Financial Statement, December 31, 2007*

(Statutory Basis)

## ASSETS

U.S. Government Bonds .....	\$ 96,315,402
Bonds of other Governments .....	115,429,244
State, County, Municipal and Miscellaneous Bonds .....	13,278,666,144
Stocks .....	7,229,859,113
Short Term Investments .....	81,552,392
	<b>\$ 20,801,822,295</b>
Real Estate .....	\$ 97,816,920
Cash .....	182,651,749
Agents' Balances (Under 90 Day).....	2,772,916,039
Other Invested Assets .....	685,938,002
Miscellaneous .....	2,029,404,445
<b>Total Admitted Assets .....</b>	<b>\$ 26,570,549,450</b>

## LIABILITIES

Reserve for Claims and Claim Expense.....	\$ 6,940,486,736
Reserve for Unearned Premiums .....	2,102,566,290
Reserve for Taxes, License and Fees .....	78,943,436
Miscellaneous Liabilities .....	3,006,294,799
<b>Total Liabilities .....</b>	<b>\$ 12,128,291,261</b>
Capital Paid In \$ 54,740,000	
Surplus .....	<u>14,387,518,189</u>
<b>Surplus as regards Policyholders...</b>	<b>\$ 14,442,258,189</b>
<b>Total Liabilities, Capital and Surplus .....</b>	<b>\$ 26,570,549,450</b>

STATE OF CONNECTICUT  
COUNTY OF HARTFORD  
CITY OF HARTFORD

}

ss.

Colleen Mastroianni, Vice-President, and Patricia A. Murrone, Assistant Secretary of the Hartford Fire Insurance Company, being duly sworn, each deposes and says that the foregoing is a true and correct statement of the said company's financial condition as of December 31, 2007.

Subscribed and sworn to before me this 5<sup>th</sup>  
day of March, 2008.

*Scott E. Paseka*

Scott E. Paseka  
Notary Public  
My Commission Expires October 31, 2012



*Colleen Mastroianni*

Colleen Mastroianni, Vice-President

*Patricia A. Murrone*

Patricia A. Murrone, Assistant Secretary

CERTIFICATE OF SOLVENCY UNDER SECTION 1111 OF THE NEW YORK  
INSURANCE LAW

STATE OF NEW YORK  
INSURANCE DEPARTMENT

It is hereby certified that

Hartford Fire Insurance Company  
of Hartford, Connecticut

a corporation organized under the laws of the State of Connecticut and duly authorized to transact the business of insurance in this State, is qualified to become surety or guarantor on all bonds, undertakings, recognizances, guaranties and other obligations required or permitted by law; and that the said corporation is possessed of a capital and surplus including gross paid-in and contributed surplus and unassigned funds (surplus) aggregating the sum of \$14,442,258,189 (Capital \$55,320,000) as is shown by its sworn financial statement for the quarter ended December 31, 2007 on file in this Department, prior to audit.

The said corporation cannot lawfully expose itself to loss on any one risk or hazard to an amount exceeding 10% of its surplus to policyholders, unless it shall be protected in excess of that amount in the manner provided in Section 4118 of the Insurance Law of this State.



In Witness Whereof, I have hereunto set my hand and affixed the official seal of this Department at the City of Albany, this 31<sup>st</sup> day of March, 2008.

**Eric R. Dinallo**  
Superintendent of Insurance

By *Clark J. Williams*  
Clark J. Williams  
Special Deputy Superintendent